others who were detailed on land service at the time of the disaster

"On the 10th and 11th the two positions near Penhsiho (about thirty-five miles east of Liaoyang), which the enemy took from us, one by assault, and by night atack, were taken back. On the 11th sever fighting continued till dark along the whole front of our right, where the enemy op posed us with about eighty guns and six divisions of infantry at least. Our centre and left fought also till dark on the 11th, the latter menacing the enemy's right rear. The enemy attacking Hsienchang, twenty five miles northeast of Saimachi, since the 7th of October, was repulsed on the 11th by a night attack."

AMERICAN BLOCKADE RUNNER. Cargo on the Seized Steamer Shishan Belongs to Man Named Pitcher.

Special Cable Despatch to THE SUN. TOKIO, Oct. 12 .- A despatch from Yingkow states that the captured steamer Shishan (Finging?), which was seized while attempting to run the blockade at Port Arthur, has on board 60,000 pounds of canned beef, large quantities of flour and rice, and 400 head of cattle. The owner s an American of the name of Pitcher, who, it is said, sold arms to the Filipinos The steamer will be taken to Sasebo. A report from Pekin says that the Rus-

sians have killed Sun, the Chinese Director of Communications, at Mukden. The Government to-day issued a domestic loan of 80,000,000 yen at 92. It is pay-

able in seven years and will draw 5 per The Emperor has conferred on Dr. Anita McGee, who is at the head of the party of American nurses serving in the hospital here, the sixth class decoration of the Order of the Crown, in appreciation of her services to the sick and wounded soldiers. The other nurses have been decorated with

PLANS FOR THE BALTIC FLEET. Ships Probably to Sail for the Far East This Week.

the seventh class decoration of the same

Special Cable Despatches to THE SUN PARIS, Oct. 12.-There is trustworthy information that the Baltic fleet will sail for the Far East at the end of this week. When it is off Lisbon it is to separate, the minority of the ships taking the Suez Canal route and the others going by way of the Cape of Good Hope or the Horn.

St. Petersburg, Oct. 12.-Rear Admiral Jessen has been appointed to command the first squadron of the Pacific fleet now in the Far East. Admiral Bezobrazoff is to command the first division of the Balti

STEAMSHIP PROBABLY LOST. No Trace Discovered of the Djurdjura From Marsellies.

Special Cable Despatch to THE SUN PARIS, Oct. 12 .- Grave fears are entertained for the safety of Tonacha Company's steamship Djurdjura, which left Marseilles on Saturday evening with 190 passengers, mostly Tunisians. The Duke of Braganza and the Emir, steamships belonging to the same company, which sailed twenty-four and thirty-six hours later, respectively, arrived at their destination without seeing anything of the Djurdjura.

New Japanese Loan. Special Cable Despatch to THE SUN.

TORIO, Oct. 12.-The Government has decided to float a domestic loan of \$40,000,000. the balance of the amount the Diet authorized the Government to raise.

Loss on the Hai Yen.

Special Cable Despatch to THE SUN LONDON, Oct. 12 .- A corrected list of the men who sank with the Japanese gunboat Hai Yen in Pigeon Bay, on Sept. 18, show that only 197 lives were lost, instead of nearly 300, as reported yesterday.

Japan's Big Order of Torpedoes.

COLOGNE, Oct. 12 .- The Gazette says that Japan has placed such large orders at a | 8 Fiure torpedo actory that it will take two years to complete them.

NO TEWICH OR TEWICH CORPSE. Police Puzzled to a Standstill by the Bloodspot Mystery.

Athough they have searched high and low, the police have found no new fact in the mysterious disappearance of John Tewich, the Russian saloonkeeper, who dropped out of things Monday morning, leaving behind in his room, at 349 East Twenty-third street, his coat, waistcoat, money, watch and a pool of blood. Acting on the theory that he had cut his own throat or wrists and then gone out and completed the job in the river, Detectives Michael Gallegher and Vance got a launch and ran up and down East River, searching and dragging, yesterday morning. Nothing was found.

ing was found.

Whatever happened came off between half past 3 and half past 8 Monday morning. Miss Anna Morton, living on the floor above Tewich's room, came home at half past 3. Tewich was standing by the front door, but turned, ascended the stairs after her and went to his room. At half past 8, his room mates found him gone and a fresh pool of blood beside his bed. At that time Monday morning the fog was so a fresh pool of blood beside his bed. At that time Monday morning the fog was so thick that the ferryboats were not running, and he might have made his way down to the river unobserved, even though he was in his shirt sleeves and bloody. He could hardly have jumped off at the foot of Twenty-third street, as there was a policeman at that point all night, but between Twenty-third and Twenty-fourth streets there is an unguarded bulkhead, a favorite spot for spicides.

The detectives take little stock in the murder theory. Suichie or a bluff to cover up a disappearance they call it.

Louis La Fere, Tewich's partner; Joseph Hyland, his roommate, and J. J. Ryan, the landlord, who were held in \$1,500 bail as suspicious characters, were arraigned

the landlord, who were held in \$1,500 ball as suspicious characters, were arraigned yesterday in the Yorkville police court and remanded to wait the result of police investigations. Ryan gave bail and the others went back to jail.

The detectives poked about the cellar yesterday, looking for a fresh grave. They didn't find one.

JONES INDIGNANT.

Indian Commissioner Says the Charge of

Father Schnell Is Idiotic. WASHINGTON, Oct. 12 .- Indian Commissioner Jones expressed indignation to-day when his attention was directed to a despatch in THE SUN from Omaha to the effect that Father Schnell, stationed on the Winnebago reservation in Nebraska, bad charged that the Commissioner warned certain grafters on the reservation of an approaching investigation by the Federal

"The charge is idiotic," said Commissioner Jones. "A. O. Wright, who is directing the inquiry, is under instructions to ascertain all the facts as far as possible. to ascertain all the facts as far as possible. The fact that he was to be sent there was known only to himself and a few officials in the bureau here. The charge that I warned any who might possibly be besmirched of an intention on our part to make an investigation is absolutely false. "We have been trying for some months to break up the gang of unscrupulous whites who have robbed the Indians of money derived from the sale of lands, and who are selling whiskey to them in violation of law. Cases are now before the ation of law. Cases are now before the Attorney-General, and we are hopeful that they will soon be presented to the courts."

PROHIBITIONISTS HUSTLING.

AND THEIR CHANCES OF ROLLING UP A BIG VOTE ARE BRIGHT.

Cartoons and Stereopticons Used Effect ively in Their Canvass-Hope to Get the Real Thing Bryanite Vote, Which, in Indiana Say, Will Be Important.

Not in years has the Prohibition party

gone into a campaign with the spirit and

zeal with which it is working in this. That

is what the party leaders say and that is what all the surface symptoms indicate. The city headquarters of the Prohibitionists, 232 West Fourteenth street, is not the largest political headquarters by a good deal, but it can match any of them for activity. It is one of the great distributing entres for the tons of literature which are being sent out from the State headquarters. The State headquarters is at Rochester. J. H. Durkee is in charge there and Henry W. Wilbur is in charge of the headquarters here. Both of them have reputations as

hustlers.

In the campaigh here in New York there are a number of features this year new to Prohibition propaganda. The stereopticon accompaniment to street meetings is one. These stereopticon picture adjuncts to the Prohibition spellbinder oratory have been in operation about three weeks. They are proving a great success and will be kept up until the end of the campaign. They draw crowds and among the crowds, while the spellbinder is talking, much literature is distributed. Prohibitionists admit that in the past it has been hard to get and keep a street crowd with bare Prohibition eloquence. So they took a hint from their adversaries and introduced the stereopticon. Cartoons-and they are well drawn effective cartoons-form the bulk of the argumentative pictures shown. One of them represents a strong arm and fist driving a knife, labelled "vote," into the head of a devilfish. About the wrist of the arm is a broad bracelet labelled "Prohibition Party. The head of the monster is labelled "Saloon, and the tentacles, respectively, bear the legends: "Defiance of Law," "Political Corruption," "Traffic in Girls," "Gambling" and "Partnership with Thieves." It's a pretty bad looking devilfish, and the way his tentacles are squirming indicate that he has his crowded hour on his hands. Below the cartoon is this sentence from

their sustaining power, is destroyed." Another cartoon is called "His Master" Voice," after a well known phonograph picture. The phonograph in this instance s attached to a beer barrel, and the dog who hears his master's voice has a collar labelled "Politician" and the head of the typical political tough. These two are characteristic of a dozen or so more which go to make up the cartoon slide equipment of a Prohibition outdoor meeting. Some of these meetings are planned for the wood alcohol belt up in Tenth avenue, where it is believed the recent mortuary episodes have made good soil for Prohi-

Victor Hugo's "Toilers of the Sea."

tentacles of the Devil Fish cannot be de-

stroyed unless the Head, the source of

Next Thursday night there is to be a big Next Thursday night there is to be a big Prohibition mass meeting in Cooper Union, at which Dr. Silas C. Swallow of Harrisburg, Pa., the Prohibitionist candidate for President, will be the principal speaker. John McKee of Brooklyn, the candidate for Governor on the Prohibition State ticket, will also speak, as will Volney B. Cushing, the Rev. C. H. Mead and Henry W. Wilbur. The Hon. Alford L. Manierre will preside.

Another big meeting, booked to be held in Harlem two weeks from Saturday night, when ex-Gov. St. John of Kansas will speak. This will be Mr. St. John's first appearance as a speaker for prohibition since 1895. He went over to Bryan in 1896 and has only just returned to the Prohibition fold.

bitionists to work in.

At the Metropolitan Temple meeting in Seventh avenue, near Fourteenth street, next Monday evening. D. T. Stewart, who has made the most effective of the Prohibition cartoons, will give a "chalk talk," speakers. It is expected that this

Both Dr. Mead and Mr. McKee have been constantly in the field, speaking nearly very week day since the campaign began every week day since the campaign began in September, and they are going to keep it right up to the end. The Prohibition leaders are all confident of a big vote in November. They say that the conditions are all favorable for it. This, they say, is particularly the case in Indiana, Illinois, Michigan, Iowa and Texas. Great work is reported in Texas, where—in Beaumont—lives Mr. Carroll, the candidate for Vice-President. Mr. Carroll is not a speaker, but he is popular, has got a "bar'l" and has President. Mr. Carroll is not a speaker, but he is popular, has got a "bar'l" and has done much to put ginger into the Prohibition movement in the Lone Star State.

Speaking of "bar'ls," it may be said that the Prohibition party started out this year with a campaign fund as large again as in any previous Presidential year. Since then subscriptions have been coming in so any previous Presidential year. Since then subscriptions have been coming in so that Mr. Wilbur estimates the total available campaign fund this year as three times the size of any ever before got together.

"It would be the merest guess work on my part," said Mr. Wilbur yesterday, "to undertake to estimate how large a vote

we expect to estimate how large a vote we expect to poll for our national ticket. But I believe that \$30,000 would not be too large a figure. Mr. Bidwell got upward of 200,000 in 1892, and the prospects for an increase are good everywhere.

"The outlook in Indiana is particularly bright. We expect to get a large number of the Bryan voters out there. The Bryan movement knocked our party badly in Indiana in 1896. We only got about 3,000 votes there that year. But last fall in an election for minor State officers we polled 18,000 votes, and I believe that this year we will go away ahead of that record.

"Here in New York State, the Bryan movement out into us heavily also. We only got 16,000 votes in 1896. In 1900 we got more than 22,000, and this year I think it safe to say we will poll fully 30,000 votes. Our vote fluctuates a good deal, as is to be expected. For instance, in 1884 we polled

expected. For instance, in 1884 we polled 5,000 votes, 3,000 more than we did in 1900. There is no doubt that it was the heavy rohibition vote in this State that defeated laine in 1884.
"But our vote now is in a more normal

healthy condition than it ever was before. It has more solid, staving qualities than it ever had. We are changing our plan of campaign somewhat—putting more poli-tics and less piety into our work. I mean by that that we are not appealing so specially to the religious element as we formerly did. We are out now gunning for votes whereve

We are out now gunning for votes wherever we think we can get them.

"I expect to hear good reports from the Pacific Coast on election day—good reports from California, Oregon and Wash ington, particularly Oregon. We have got a wide awake man in Oregon in the State chairman, I. H. Amos. He is not only a good speaker but a good organizer and a successful politician.

"In Illinois, too, we have got a first class worker in our national committeeman, Oliver W. Stewart.

Oliver W. Stewart.

"He was elected to the lower house of the Illinois Legislature from Chicago if 1902 on a straight Prohibition ticket, and he

1802 on a straight Prohibition ticket, and he is running for the same office this year. He has the indorsement of the Voters' League, an independent organization in Chicago, and is making a very strong canvass.

"Bishop Potter has done us a good deal of good by his opening of the Subway Tavern, just as he did in 1898 when he said that the saloon was the noor man's club and a social necessity. These things cause discussion of the question, and the more discussion there is the better it is for the Prohibition party. We all earnestly hope the Bishop will keep at it. He is helping us materially."

TO CURE A COLD IN ONE DAY Take Lazative Brome Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box 25c,—Ade.

MORGAN CAN SWEAR 'EM. Helder of Naturalization Papers Must

Not Refuse the Oath. Supreme Court Justice Leventritt decided vesterday that State Superintendent of Elections Morgan has the power to compel a citizen to appear before him and to be sworn in investigation into the status of naturalized voters. In accordance with this decision, Justice Leventritt dismissed the habeas corpus writ sued out in behalf of Antonio Colonesi, who was arrested and held for a misdemeanor in refusing to be sworn. Colonesi's case was taken up actively by Tammany as a test. In re manding the prisoner, Justice Leventritt

says:

The only question is the relator's refusal to be sworn. The Metropolitan Election law makes it a misdemeanor to refuse to be sworn. The relator's refusal was unaccompanied by any reason or request. The inference that it was because he was denied the presence of counsel, even though justified, will not support the refusal. It is perfectly clear that if he was merely a witness he was not entitled to counsel. Conceding that, if the proceeding was directed against him as principal, that would make him a party in the sense that he would be entitled to counsel under the constitutional giarantee—a proposition by no means free from doubt—it does not satisfactorily appear on the state of the record before me that the relator was more than a witness. He was charged with no crime, nor with any offence against the law of the State. The required production of naturalization papers pursuant to statute, does not establish per se that the proceeding was against the holder thereof. Nothing had developed at the time of the refusal to be sworn, nor is anything shown by the whole record which, on the most liberal construction, sworn, nor is anything shown by the whole record which, on the most liberal construction, of Article I., Section 6 of the State Constituion, shows an invasion of guaranteed ights

HARRISON IN BROADWAY.

League to-morrow will be Francis Burton

Citizens' Candidate for Lieut.-Governor Talks to the Drummers' To-morrow. The principal speaker at the noonday meeting of the Commercial Travellers'

Harrison, the candidate for Lieutenant-Governor on the Citizens' ticket. President Ziegel received word from the peakers' bureau of the State committee yesterday that the assignment had been made. He also received a request that a large number of seats be reserved for prominent men who wished to hear Mr. Harrison on the State issue. He sent word that the best he could do would be to reserve a score of seats on the platform, as he did not wish to discriminate against the business men of the neighborhood and their em-ployees, who fill the meeting hall every day.

discriminate use of the American flag for campaign purposes. His main argument was against the protective tariff. Next Tuesday Edward M. Shepard will make an address on both State and national

The principal speaker yesterday was Franklin L. Pierce, a lineal descendant of President Pierce. He denounced the in-

SURE THING, SAYS MOODY. Election of Roosevelt Seems to Him Foregone Conclusion. Attorney-General Moody, who was in

this city vesterday, in commenting on the

national political situation, said: Rhode Island and Connecticut will as surely

Rhode Island and Connecticut will as surely give their electoral votes to President Roosevelt as will the most solid Republican State in the Union. In neither of those States are there local factional fights to menace the Presidential ticket, and when I went through them I found a large percentage of solid and progressive Democrats who are not at all backward in declaring that they intend to vote for the President for his stand in the Philippines, if for nothing else.

One of the interesting things I have observed during this campaign is the attitude of the average citizen toward the old fashioned methods of campaigning. The day of torchlight processions and the old time hurrah of local political parades is passing, and the man who used to get out on the street corners and discuss political questions at election time because be took an interest in the campaign is more likely in these days to be found at home or at a club, reading some of the attractive and well edited periodicals that discuss great national questions broadly. The cheapness of good reading matter, and the natural inclination of every person to make cuss great national questions broadly. The cheapness of good reading matter, and the natural inclination of every person to make himself comfortable, account in great part for what has been termed an apathetic cam-

I am in the large majority of those who consider the President's election a foregone

PARKER LACKS EXPERIENCE. One Reason Given by Timothy L. Woodruff for Votes for Roosevelt.

Ex-Lieut.-Gov. Timothy L. Woodruff, n a speech yesterday at the Commercial Travelers' League, 501 Broadway, pointed out to a large and enthusiastic audience why Theodore Roosevelt should be elected. He said in spart:

During the six years that I knew Judge Parker in Albany I never heard anything against him. But the man never had any experience to fit him for the office he is running for. The political education of Theodore ning for. The political education of Theodore Roosevelt, on the other hand, began twenty-four years ago, and has been going on ever since. Twenty years ago he was chairman of the Republican delegation of New York and nineteen years ago I introduced him, not far from here, as the candidate for Mayor. He has since done honor to a variety of political offices.

cal offices.

J believe that on election night you will all be surprised at the tremendous vote that will have been cast for Roosevelt.

ASHLEY WON'T RUN FOR SENATOR Announces His Candidacy for the Assembly From Warren County.

GLENS FALLS, N. Y., Oct. 12.-Eugene L. Ashley, nominated by the Democrats last week for Senator from the Thirty-first district, returned here this morning, and to-day filed his declination and announced his determination to go into the Democratic county convention to-morrow and fight for the Assembly nomination. He declares that the first nomination was a move by State Committeeman Finch to shelve him, since he regards his chances for winning are much better in the county than in the entire district, which is overwhelmingly Republican

Rensselaer Democrats Complete Their Ticket.

TROY, Oct. 12.- The Democrats completed their ticket to-night, Partrick S. O'Heaney of the city of Rensselaer was nominated for Senator to represent the Thirtieth district. He is bookkeeper for Press Knickerbocker Express of Albany The Assembly nominees are: First district, Edwin J. Mesick; Second, Assemblyman William W. Donovan, renominated; Third,

Thomas H. Tierney.
Former United States Senator Murphy, who has taken charge of the campaign, directed these nominations.

No Odellsberg.

They have coined a new word in the Fifteenth Senate district, where Charles S. Pinkney, Democrat, is running against Nathaniel A. Elsberg, Republican. Mr. Elsberg is Governor-Chairman Odell's close political, friend and the slogan that is going like wildfire over the whole Senate district

NO ODELLSBERG FOR OURS.

Light Registration in Jersey City.

The second day's registration in Jersey City on Tuesday resulted in the enrollment of 20,083 names, making a total of 28,915 against 34,147 for the first and second days a year ago. The total registration for the fall election in 1903 was 45,022. The third and last registry day will be Oct. 25.

Shape Show Winner Weds a Klondiker SEATTLE, Wash., Oct. 12.-Miss Emma Newkirk, who was exalted in Madison Square Garden last December as the best formed woman in the "shape show," was married in Dawson, Northwest Territory, on Sept. 27 to Edward Willis, a Klondiker, of 1898.

CUNNEEN REPLIES.

Continued from First Page.

but these have kept our friends quite busy since I made my statements The Governor replies. He did not deny that the item of \$18.618 was allowed to the Furnaceville Iron Company. He said: Furnaceville Iron Company. He said:

Mr. Cunneen objected to the award, but was the only one of the board who did so, the others, as I understand, voting for its payment, perhaps not entirely under the belief that his contentions were entirely erroneous, but that certain money was due for losses that had occurred by reason of the failure of the State to permit the contractor to continue his work. This is often done in business matters.

In business matters.

The independent press of the State pointed to the fact that no moral or legal right existed to pay public money to a private corporation on a mere pretext that anything was owing to the Furnaceville Iron Company by reason of failure of the State to permit the contractor to continue his work, "but that payment on that account should not be made on the pretext that earth was rock." JUSTICE MILLER PUTS HIS FOOT IN IT.

After this criticism had extended over the State and its correctness was acknowledged by all proper thinking people Judge Miller of Cortland county entered the discussion. He was Comptroller and a member of the Canal Board when the claim of the Furnaceville Iron Company was passed upon. He voted in favor of the company for the prospective profits to which Gov. Odell alluded and for the allowance of \$18.818 also.

of \$18,818 also.
As to the item of \$18,818, Judge Miller says: "The fact is, no such item was contained in the claim of the Furnaceville

tained in the claim of the Furnaceville Iron Company, no such item was rejected by the board and no such item was allowed by the succeeding board."

Thus we have the Governor admitting that the item was claimed and allowed, but really on account of prospective profits, and the Judge denying that the item existed. Our friends should get together and the transfer of the item it at the was not the claim. sted. Our friends should get together and compare notes. The item, it is true, was not specifically mentioned and specifically claimed in the declaration filed by the Furnaceville Iron Company with the Canal Board, but the consideration of the item was necessarily involved in the claim which there are declared distinctly passed upon by they made, and distinctly passed upon by

they made, and distinctly passed upon by the Canal Board.

The official minutes of the proceedings of the Canal Board on June 4, 1903, will show that I offered a resolution: "That there be no allowance made for the excavation of hard pan as rock, on Contract No. 9, western division, Eric Canal, to the Furnaceville Iron Company;" that I voted in favor of the resolution, and that Mr. Justice Miller and his Republican associates all yoted against it. ates all voted against it

FURNACEVILLE COMPANY'S CONTRACTS. The first step in the \$9,000,000 canal improvement was taken by the engineers, who went over the work and made the who went over the work and made the necessary tests, as they supposed, to enable them to determine what would have to be done in the course of the improvement. The quantity of excavation and its character were estimated, and contractors were invited to bid unit prices for which they would do the work: so much a yard for excavating the earth, so much a yard for laying masonry, and so on.

excavating the earth, so much a yard for laying masonry, and so on.

The Furnaceville Iron Company was awarded five contracts, covering about thirty-six miles of canal, one of these, Contract No. 9, extending from Braleys Bridge, in Orleans county, westward, for about six miles. In their preliminary investigation the engineers discovered no rock to be excavated on Contract No. 9.

They estimated, however, that there would be about 195,000 cubic vards of earth ex-They estimated, however, that there would be about 195,000 cubic yards of earth excavation. The Furnaceville Iron Company agreed to excavate this earth for 28 cents a cubic yard, and the contract was awarded to it at this price. It began to excavate this earth late in 1897, and they continued their work until about the 14th of May, 1898, when the appropriation became exhausted and the Superintendent of Public Works and the State Engineer and Surveyor ordered the work discontinued. The Canal Board was authorized to settle with the Furnaceville Iron Company and all other contractors. all other contractors.

A SUPPLEMENTAL CONTRACT. In the claim filed by the Furnaceville Iron Company for settlement, it alleged that on April 22, 1896, four months after it had executed its contract and begun this work, it entered into a further agreement concerning contract No. 9 with the Sta Engineer and Surveyor and Superintenient of Public Works, as follows: Agreement between the State of New York and the Furnaceville Iron Company as to

prices to be paid by the State to the said Furnaceville Iron Company for extra work to be done by them under their contract, dated the 23d day of September, 1897, for the improvement of the western division of the Erie Canal from Braleys Bridge, &c. After mentioning the territory and the it continued:

It is hereby agreed that the following prices shall be paid for the item herein mentioned. Dry excavation of rock, per cubic yard, \$1. It will thus be seen that from the 23d day of September, 1897 to the 22d day of April, 1898, the only contract existing between the State of New York and the Furnaceville Iron Company for excavation of any part of the canal covered by contract No. 9 was one by which the company agreed to excavate for 28 cents a yard and the State agreed to pay 28 cents a yard and

Words, viz:

There was no price for dry excavation of rock on the bidding sheet when this contract was let. After the work on this contract started, a great deal of hard pan which would have to be classified as rock was encountered. Up to the 1st of May 17,000 yards of this material will have been taken out. As near as can be calculated, there will be about 30,000 cubic yards of the material in the entire contract. The price of \$1 per cubic yard has been offered by the contractor for excavating this material.

CHALLENGE TO JUDGE MALLENGE.

CHALLENGE TO JUDGE MILLER. The supplemental contract and the explanation of the supplemental contract are set out at length in the declaration filed in support of its claim by the Furnace-ville Iron Company. Judge Miller must have forgotten that fact when he says that there is no such item contained in the claim of the Furnaceville Iron Company. claim of the Furnaceville Iron Company. During the four months that this 17,000 yards of earth was being excavated, there was not a single reference made to the fact that it was anything but earth, in any estimate, field notes, cross section, weekly report or other document on file in any of the departments in Albany. If Judge Miller can find any such I will publicly apologize to him for contradicting him on the subject. It was not until after the stuff had been excavated and cast upon the banks of been excavated and cast upon the banks of the canal that any attempt was ever made to classify another part of it as rock. Then it was attempted to make a geological separation, classifying part of the excava-tion material as earth and another part as rock.

When the old Canal Board of 1902 was hearing the claim of the Furnaceville Iron company, two geologists were employed on the part of the State to go over the spoil banks and examine the substance which had been excavated, and they came upon the stand before the old board and testified that they were "nable to testify that any of the excavated matter was hard pan. The present State Engineer and Surveyor. of the excavated matter was hard pan. The present State Engineer and Surveyor, who was superintendent for the Furnace-ville Iron Company while the work was going on, was a witness for that company upon the hearing of the claim before the Canal Board, and when he was asked about the delay in reclassification he said in substance that they were waiting for the frost to go out of the excavated matter that so long as it was frozen they could not tell whether it was rock or earth.

A DELIBERATE PRAUD ON THE STATE. The whole supplemental contract and the reclassification of earth as rock were a deliberate fraud upon the State and violated the spirit of that provision of Article VII., of Section 9 of the Constitution, that "no extra compensation shall be made to any contractor, but if from unforeseen cause the term of any contract shall prove to be unjust and oppressive, the Canal Board may, upon the application of the contractor, cancel such contract." due the contractors.

There was no doubt concerning the work to be done, there was no serious question concerning the quantity of excavation to be made. The price of doing it was agreed

Many a man has missed the mark by neglecting to put up a pre-

sentable front. The KNOX

will put you in touch with opportunity and place you on friendly terms with success.

agencies in all the principal cities in the world.

upon. The supplemental contract had the practical effect of increasing the compensation for which the work Lad been done from 28 cents to \$1 a yard. If the matter to be excavated had proved to be of different character from what the parties to the contract contemplated, the contractor should have asked to be released from his contract, that the State might readvertise the work and make a new contract after competitive bids. The Furnaceville Iron Company made its claim before the Canal Board; first, for the moneys deposited with their bid to secure fulfilment of the contract; second, the amount of the monthly estimates which had been retained as further security for the contract; third, the amount upon. The supplemental contract had the estimates which had been retained as further security for the contract; third, the amount of damages which it claimed to have suffered because it was not permitted to complete the work; in other words, prospective profits; fourth, that excessive wages which it claimed to have been compelled to pay its laborers because of the action of the Superintendent of Public Works.

HEARING BEFORE CANAL BOARD. The case came on to be heard before the The case came on to be heard before the Canal Board of 1902. It became necessary to pass upon the validity and correctness of every item of the claim. This involved an inquiry as to how much had been paid and as to how much the company had earned. It was suggested that the company hadn't earned all it claimed, because on Contract No. 9 and the other contracts, by reason of improper reclassification of by reason of improper reclassification material, made by the engineers, and material, made by the engineers, and of excessive payments on account of these by the Superintendent of Public Works. In the course of this inquiry the correctness of the reclassification under Contract No. 9, of that which had originally been classified as earth as rock, was brought in question, and the record shows, notwithstanding Judge Miller's statement, that considerable evidence was given and discussion had upon that item beforethe Canal Board; that it appeared that which was classified as rock and that! which was classified as earth came out of precisely the same place as rock and that; which was classified as earth came out of precisely the same place in the canal, was raised at the same time by the steam shovel and deposited together, and that even a geologist could not tell any difference in the character of the material difference in the character of the material after it was so deposited upon the bank. After these facts had been established before the board of 1902, Judge Miller says "that the board informed the attorneys for the claimant that unless the matter of reclassification could be satisfactorily explained, the board would deduct from the amounts due such sums as had been theretofore paid the claimant as the result of such reclassifications."

He continues: "The proposed findings had been prepared which the attorneys were advised would be adopted unless they desired an opportunity to satisfy the board

were advised would be adopted unless they desired an opportunity to satisfy the board on the points suggested." He further says: "The query in the minds of the board being as to how, after the materials had been thrown up together on the spoil bank, accurate measurements upon which to base the reclassification could be made."

The Judge might have added. "Particulations of the same and the same accurate measurements upon which to base the reclassification could be made." The Judge might have added: "Particularly as the excavated material was all of the same character and quality, it would naturally puzzle one to determine which part of it was earth and which part of it

was rock.

JUDGE MILLER MOVED TO REOPEN CASE JUDGE MILLER MOVED TO REOPEN CASE.

13.1 At the conclusion of the proofs on Dec. 31,
1902, the board went into executive session.
There is no formal record of what then
transpired, but I believe that the facts
differ from the statement made by Judge
Miller. I have in my possession the memoranda of findings to which he refers,
which is explicit and definite and strikes
over \$34,000 out of the claim made by the
Furnaceville Iron Company on its five
contracts, and which includes the \$18,618
in question. It is evident that Comptroller
Miller regarded the case as having been
closed and decided on Dec. 31, 1902, for at
the first meeting of the Canal Board in 1903
and on Jan. 29, as the records of the meeting will show, he "moved that the case
be reopened as to the right of the State to be reopened as to the right of the State to deduct or offset the sum of \$34,446.83 found by the board to have been received by applicant as the result of reclassifica-

IF CASE WAS NOT CLOSED, WHY REOPENED? If the case had not been definitely closed and decided and the amount definitely fixed, why was a motion to reopen nece sary? The case was either closed or it was open, and the character of the motion made by Judge Miller at that time indicated that he regarded it as having been closed and decided. The brief filed by counsel for the claimant after the case was reopened in its second paragraph states:
"The evidence was taken, and on Dec. 31, 1902, the Canal Board made its award whereby it determined," etc., and again, "The total of this award, exclusive of interest, agreed to excavate for 28 cents a yard, the State agreed to pay 28 cents a yard, the State agreed to pay 28 cents a yard, exclusive of interest was stated by the chairman of the board was stated by the chairman of the board to be at that time the sum of," etc.

Thus it distinctly appears by the testimate of the board was stated by the chairman of the board was sta

Thus it distinctly appears by the testimony of mute witnesses, unaffected by any feeling of gratitude for honors or favors received, or any hopes of promotion or advancement in the future, that at the time of the transaction both Justice Miller and the counsel for the claimant regarded the case as decided by rejecting the amounts allowed by reclassification, including the item of \$18,618, and a motion to reopen it as necessary.

as necessary.
What had happened after the 31st day of December, 1902, when "the Canal Board made its award, and the total of this claim was stated by the chairman of the board," and the board adjourned without any motion to reopen the case, or any application to do so by counsel for the claimant, which induced Comptroller Miller, soon afterward Judge Miller, on the 29th day of January to move to reopen the case?

And what induced every one of his Republican associates who sat in the beard of And what induced every one of his kepublican associates who sat in the board of 1902 and participated in the decision of the claim then made to vote with him to reopen the case on the 29th of January, 1903? And what induced these gentlemen to afterward vote to allow the items that they had previously voted to reject, when every fact of which their first judgment depended remained established? LET THE PEOPLE JUDGE.

I am frequently asked if I desire to impugn the integrity of these gentlemen simply answer that I state the facts. I not discussing their personal characters or their personal qualities. I am discussing public questions: I am bringing to the attention of the people the conduct of these gentlemen in the discharge of public busigentlemen in the discharge of public busi-ness, that the public may act understand-ingly in the exercise of elective franchises. They may have honestly believed that they were doing a great public service when they voted this large sum of money out of the public treasury without any adequate consideration to the State. If that is their potion of public service, the that is their notion of public service, people should know it. If that is the k of public service the results of public service the results of public service the results of public service the results. people should know it. If that is the kind of public service the people want, they have the opportunity of getting it, because Lieut.-Gov. Higgins and Secretary of State O'Brien, who voted for the claim, are now candidates before the people. If this is a kind of service that is not desired, the people by their votes should reject it.

It is recited in the findings which Judge It is recited in the findings which Judge Miller says were then agreed upon, that inasmuch as the alleged rock "had been excavated by machinery in the same manner as dry earth excavation," that its classification as rock was improper and "amounted to an increased payment to the contractors," and that the sum thus paid should be deducted from the amount found due the contractors.

THE BEET SUGAR STEAL I expressed the opinion to the Governor that the payment of public money to the beet sugar corporations violated the Constitution of this State. Nevertheless he approved the act of the Legislature making that appropriation. The correctness of my

opinion has not been challenged by any newspaper or by any lawyer who has spoken upon the subject, so far as I have been able to learn. I have been blamed, however, by one member of the bar residing in Rochester because I did not bring a suit to prevent the payment of this money to these corporations, and the gentleman was kind enough to cite a decision of the Court of Appeals which establishes that if I had bought suit it would have falled. That was a suit brought by Attorney-General Barlow to restrain the payment of money under an unconstitutional statute. There was no proof that the officers against whom under an unconstitutional statute. There was no proof that the officers against whom the suit was brought had declared an intention to violate their catah of office or the Constitution of the State, and the court held that until such proof was made the law would presume that the officers would be faithful

be faithful be faithful.

Notwithstanding that the Legislature had passed this bill and the Governor had approved it in violation of the Constitution it remained as waste paper and afforded no warrant or authority to any officer of the State to put his hand into the Treasury and take this money and deliver it to private corporations. I had no right to presume that any officer of the State would be guilty of such conduct, and I could not maintain an action in a court of equity to prevent

of such conduct, and I could not maintain an action in a court of equity to prevent officers from doing what I had no right to assume they would do.

The Governor regards this money as having been paid to the farmers of the State. It seems that he regards the beet sugar corporations as benevolent institutions corporated in distributing money. tutions engaged in distributing money to the farmers of the State and that he gave them this money for that purpose. How much of it has reached the farmers I have not ascertained

THE HIGHWAY MANUAL GRAFT.

Concerning the highway manual bill, I can command no words sufficient to ex-I can command no words sufficient to express my contempt for the whole scheme. This bill authorized the Secretary of State to designate a person to compile the highway laws of the State. It gave him power to fix the price of each book at not to exceed \$1, to distribute one copy of the book to each member of the town board, to each lighters commissioner and to each overhighway commissioner and to each over-seer of highways in each of the towns of the State. It assumes to make it the im-perative duty of the town board of each town to audit and allow the compiler's price of not to exceed \$1 a copy for this book and that the amount be assessed

upon the taxpayers of each town.

The book was not needed, there was no public demand for it, it was not ordered by any town, it was a onesided transaction, the whole business was transacted without the consent or cooperation of the town officers. Over \$37,000 was thus authorized the consent or cooperation of the town officers. Over \$37,000 was thus authorized and imposed upon the taxpayers of the country towns of the State, and the transaction was solely for the benefit of the compiler. The Secretary of State designated a member of the Republican State committee as compiler. He had the books compiled; he is now engaged in distributing them throughout the State, and in many instances the town boards and the local officers have refused to receive them, as they lawfully may, as the whole scheme is contrary to those provisions of the Constitution which aim to secure the control of local affairs to local authorities.

Concerning the necessity for this book. Section 15 of the so-called Armstrong-Hi. be Good Roads law, Chapter 115, laws of 1858, authorizes the State Engineer and Surveyor to prepare and distribute instructions to town officers concerning the performance of their duty in the maintenance of highways. The State Engineer and Surveyor, in the exercise of the authority thus conferred, has from time to time issued seven different bulletins embodying the highway laws, statistics, drawings, suggestions of various kinds and information in general as to the construction and maintenance of highways in this State. The

nignway laws, statistics, trawings, acgestions of various kinds and information in general as to the construction and maintenance of highways in this State. The last such bulletin was issued in July, 1904, and is numbered seven. I now have it before me, as well as a copy of the highway manual prepared under the recent act of the Legislature. The bulletin is infinitely the best work. Five copies of this have been distributed gratuitously to every county supervisor of the State. Copies of it have been distributed to every country newspaper in the State. These distributions are at public expense.

And thus it will be seen that there was no possible reason or excuse for the act authorizing the appointment of a compiler of highway law and the distribution of the volumes, except to make a job for a Republican machine worker.

THE \$101,000,000 CANAL JOB.

THE \$101,000,000 CANAL JOB. The people of this community are deeply interested in the work of improving the canals of this State. They took an important part in influencing the enactment of Chapter 147 of the Laws of 1903, authoriz-ing that this improvement be made at an expense of not to exceed \$101,000,000. The people of this community are interested that this work be done as economically and efficiently as possible. I am afraid that our Republican friends misapprehend the purpose of this statute; that they regard it most for the offices and the salaries which it affords. A single illustration to prove this assertion:
At the last session of the Legislature
Senator Davis of this county introduced

Senator Davis of this county introduced a bill authorizing the Governor to appoint three appraisers, with power and authority to arrange with the owners voluntarily the price to be paid for lands to be taken in the course of the canal work. In Senator Davis's bill the salary was fixed at \$5,000 each with persease veryoness. There was Davis's bill the salary was fixed at \$5,000 each, with necessary expenses. There was no provision for a secretary or for any other places than those which were necessary in order to do the work. Assemblyman Bostwick of New York introduced another bill, which authorized the Governor to appoint three appraisers, at a salary to be fixed by him of not to exceed \$5,000 each. with an allowance to each to be fixed by the Governor in lieu of expenses of not to exceed \$2,500, and with power to appoint a Both bills came to the Governor within two days. Senator Davis's bill provided for the maximum salaries of \$15,000 a year; the necessary expenses would not aggregate \$3,000 a year besides, which would make a probable expense of not to exceed \$18,000 a year. Bostwick's bill provided a maximum expense of \$25,000 a year. The Governor vetoed the Davis bill and he signed the Bostwick bill, the bill which created the most expense to the State and the most places for place holders. He then fixed the salaries and allowances at the highest amount that it was possible for him to fix under the statute. There was not a single thing for those appraisers to do at that for the maximum salaries of \$15,000 a year thing for those appraisers to do at that time, and so far as I have any knowledge there has not been a single piece of property appropriated from that day until this, and only one piece of property which these appraisers could appraise. Yet the Governor took pains to appoint and put them on the pay roll at the earliest opportunity, and I am advised that the secretary, who has never done a day's work for the board, re-ceived his pay vouchers monthly at the Republican headquarters in the city of New York.

TOWNE GOING AT IT. Begins His Congress Campaign as if His

District Were Not Democratic. Senator Charles A. Towne, Democratic nominee for Congress in the Fourteenth Congress district, has opened headquarters at 1459 Third avenue, with Don Farnsworth, an old political friend, in charge. Though this is one of the strongest Democratic Congress districts, Mr. Towne proposes to conduct an aggressive and vigorous camerates and the conduct and the c paign. A campaign committee has been organized to aid him. It is made up of one member from each of the Assembly districts of the Congress district.





You can never tell! Tuesday you sweltered, Wednesday you puddled, to-

Whatever to-day is, you may need a Fall overcoat to-night, perhaps one that's rainproof.

We've so many good sorts of covert top coats, medium lengths, and long raincoats, that we've probably the very thing you want.

ROGERS, PEET & COMPANY. 258 Broadway, cor. Warren, opposite City Hall. 842 Broadway, cor. 18th, and 140 to 148 4th Ave. 1260 Broadway, cor. 52d, and 54 West 23d St. We fill orders

LITTLETON NOT VINDICTIVE.

Says He's Friendly to Murphy, as Well as to McCarren-To Speak for Tammany. The announcement in THE SUN yesterday that President Martin W. Littleton of the Borough of Brooklyn was to speak tonight at the Tammany ratification meeting caused a stir among the Democratic politicians in Brooklyn, some of them in-ferring that the incident was an indication that he had drifted away from his sup-posed alliance with Senator P. H. McCar-ren and had lined up with Leader Charles

F. Murphy.

The fact that so far he had made no speeches in Brooklyn, and had not been invited to do so, seemed to strengthen this conclusion in the opinion of some of McCarren's associates. Mr. Littleton had this

ren's associates. Mr. Littleton had this to say:

"I have tried to conduct the business of the borough with no reference to politics or factions. With Mr. McCarren I am friendly and with Mr. Murphy I am friendly. I don't believe in or practise political vindictiveness. Occasionally I hear of the way some of the men who surround Senator McCarren talk of me, and it annoys me for the moment. I was asked to make a speech in Tammany Hall by a man prominent in that organization, and man prominent in that organization, and as the speech is to be in support of the national and State tickets I willingly con-

RHODE ISLAND TICKET. The Republicans Nominate George H.

Utter for Governor. PROVIDENCE, R. I., Oct. 12.-The Republican State and Congressional conventions were held here to-day. The attendance was large and much enthusiasm was manife sted. It is evident that Roosevelt is to carry this State by a vote larger than that which the party rolled up four years ago. The State convention was presided over by Col. Daniel R. Ballou of Providence. Every nomination was made without an opposing

vote.

The ticket selected was: Governor, George H. Utter of Westerly; Lieutenant-Governor, Frederic H. Jackson of Providence; Secretary of State, Charles P. Bennett of Providence; Attorney-General William B. Greenough of Providence; General Treasurer, Walter A. Read of Clausers.

Senator Platt of Connecticut, Congress-man Capron and Senator Aldrich spoke. The platform reiterates the principles of protection and sound money, indorses Roosevelt's Administration and calls for his election and that of Senator Aldrich. In the First Congress district convention John R. Stiness, Chief Justice of the Supreme Court, was nominated. In the Second district Congressman Adin B. Capron was renomi-



The Game of UNC

merit is the foundation of its success.

DIED.

CRANE.-Suddenly, Oct. 10, 1904, at her residence, 64 East 94th st., Ella Bacon, wife of Frederick B. Crane.

meral services will be held at the Madison Avenue Presbyterian Church, 78d st. and Madison av., on Thursday, Oct. 13, at 2 P. M. KALLMAN.-At Hackensack, N. J., Oct. 11, 1904, Henry P. Kallman, aged 41 years. Funeral services at his late residence, 109 Park st., Hackensack, N. J., on Thursday evening, Oct. 13, at 8:30 o'clock. Train leaves West 23d st., New York city, via New York, Susque hanna & Western R. R., 7:25, Cortlandt st. 7:30.

SIMONDS.—On Tuesday, Oct. 11, Henry A. St-monds, son of the late Frederick W. Simonds, in the 50th year of his age.
Funeral services will be held at St. Mark's
Church, 2d av. and 10th st., on Friday morning, Oct. 14, at 10 o'clock. Interment at Woodlawn. THAYER .- Suddenly, on Oct. 11, James H. Thayer.

neral from his late residence. The Hillside. Montclair, N. J., Thursday, at 8 P. M. Boston and Baltimore papers please copy. WATSON.-On Tuesday, Oct. 11, 1904, Andrew Melrose Watson, infant son of the Rev. and Mrs. W. Scott Watson. Funeral services at the residence of the parents.

Madison and 20th sts., West New York, N. J., to-day (Thursday) at 3 P. M. CEMETERIES.

Great Pinelawn Cemetery, 2,315 acres. Round trip ticket 50c. At 46 W. 84th St. N. Y.

SPECIAL NOTICES.

that MILTIADE MELACHRINO, formerly of Cairo, Egypt, presently of New York, in the United States of America, by contract executed at Cairo aforesald on the sixth day of May, one thousand nine hundred and four (6th May, 1969) Renounced and abandoned until further notice all right and power to sign or contract for or in the name of or engage in any way whatsoever the firm of "M. MELA-CHRINO & CO." of Cairo aforesaid, Cigarcti Manufacturers. And that consequently any contract, agreement or engagement whatsoever, whether verbal or in writing, entered into, executed or signed by the said Militade Melachrino after the said date, shall not be binding on or accepted or acknowledged by the said firm.

M. MELACHRINO & CO., E. RAISSIS.

HOARE & RUSSELL MARC BIALOBOS.

PERSONALS.

19th September, 1904.

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